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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,042	11/13/2003	Olivier Meynard	500203883-2	7142

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EXAMINER

RAY, GOPAL C

ART UNIT PAPER NUMBER

2111

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,042

Applicant(s)

MEYNARD, OLIVIER

Examiner

Gopal C. Ray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-21 are presented for examination.
2. Claims 6 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims as now amended contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not support, inter alia, "a plurality of different sleep states" as claimed in claim 6. Claim 7 depends on claim 6 and further limit the subject matter of claim 6.
3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-5 and 8--21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,549,968 granted to Hart in view of US Patent 5,864,708 granted to Croft et al.

As per claim 1, the reference of Hart teaches, "a mobile computer and a base station" in Fig. 2, elements 10 and 11 respectively; "detect when a mobile computer is interacting with the base station, and cause the mobile computer to perform a transition from an operating state to another state, wherein the mobile computer saves system context information when performing the transition and wherein the control element is

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operable to cause the base station to perform a transition to an operating state in accordance with the system context information" in Fig. 3, steps 307-310 and col. 3, lines 13-26.

The reference of Hart fails to expressly teach "wireless communications between the mobile computer and the base station, with the mobile computer and the base station not being directly connected to each other". However, the above feature was well known to one of ordinary skill in the communication art at the time the invention was made as evidenced by Croft et al. The reference of Croft teaches the feature in Fig. 1, elements 63-64. It would have been obvious to one of ordinary skill in the data communication art at the time the invention was made to implement the above feature in the system of Hart to obtain the claimed invention as claimed in claim 1 because both the prior art systems are analogous to communication system and the above feature is a straightforward possibility from which one of ordinary skill in the art at the time the invention was made would select in accordance with circumstances without the exercise of inventive skill so as to allow the system to be compatible with a widely used standard and to take advantage of the many benefits provided by the wireless communications such as elimination and minimizing mechanical connection parts. The reference of Croft et al. teach the motivation for combining the references in col. 2, lines 21-32.

As per claim 2, the reference of Hart teaches "a control element according to claim 1, operable to cause the mobile computer to perform a transition from an operating state to the other state by sending a transition request to an operating system of the mobile computer" in col. 3, lines 13-25.

As per claim 3, the reference of Hart teaches "a control element according to claim 1, operable to detect a transition complete event generated by the operating system and cause the base station to perform a transition to an operating state in response to the transition" in col. 3, lines 20-26.

As per claim 4, the reference of Hart teaches the added limitation of the claim in col. 3, lines 17-19 and lines 21-23.

As per claim 5, the reference of Hart teaches the added limitation of the claim in col. 3, lines 26-29.

As per claim 8, the reference of Hart teaches the added limitation of the claim in Fig. 2, elements 10-11 and col. 2, lines 14-26.

As per claim 9, the claim is a subset of claim 1 and the relevant portions of the rejection in claim 1 above are also applicable here.

As per claim 10 the claim is a subset of claim 4 and the relevant portions of the rejection in claim 4 above are also applicable here.

As per claim 11, the claim is rejected for the same reasons as discussed in the rejection of claim 3 above.

As per claim 12, the claim is a subset of claim 1 and the relevant portions of the rejection in claim 1 above are also applicable here.

As per claim 13, the limitations of the claim are rejected for the combination of reasons as discussed in the rejection of claims 3 and 10 above.

As per claim 14, the reference of Hart teaches "a base station according to claim 12 operable to detect a transition-complete event of the mobile computer and perform a

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transition to an operating state in response to the transition-complete event" in col. 3, lines 20-28.

As per claims 15 and 16, the rejection of claim 4 above is applicable to the combination of limitations in claims 15 and 16.

As per claim 17, the reference of Hart teaches, "a mobile computer and a base station" in Fig. 2, elements 10 and 11 respectively.

As per claims 18 and 19, the claim recites methods. However, the limitations of the claims are parallel to the limitations of claim 1. In teaching the construction and use of the device, the combination of US Patent 6,549,968 granted to Hart and US Patent 5,864,708 granted to Croft et al. Hart teaches corresponding methods.

As per claim 20, the reference of Hart teaches, "a mobile computer and a base station" in Fig. 2, elements 10 and 11 respectively.

As per claim 21, the claim is rejected for the same reasons as discussed in the rejection of claim 1 above.

5. Applicant's arguments filed on 1/23/06 have been fully considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure.

If applicants are aware of any prior art better than those are of record, they are required to bring the prior art to the attention of the examiner. Applicants are also reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR § 1.56. Applicants are advised to submit any information material to patentability in accordance with 37 CFR § 1.97 and § 1.98.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**mark.rinehart@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

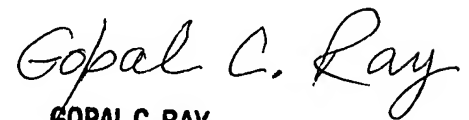
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office



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actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.



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